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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,945	06/02/2000	Todd D. Turnidge	SUN1P283/P4906	5544

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EXAMINER

PARTON, KEVIN S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/585,945

Applicant(s)

TURNIDGE, TODD D.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-26 is/are allowed.
- 6) ☒ Claim(s) 1-9, and 12 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

2. Claims 13-26 are allowed.
3. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (USPN 6,295,643).
5. Regarding claim 1, Brown et al. (USPN 6,295,643) teaches a virtual machine configurable to function as a browsable virtual machine (browsable VM), the virtual machine comprising:
  - a. A request handler worker for handling an incoming query relating to an operational state of the virtual machine (column 7, lines 35-38; column 9, lines 58-60).

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- b. A plurality of services wherein a service performs operations for replying to the incoming query (column 7, lines 30-34; column 10, lines 27-30).
  - c. An operations worker for generating output containing a reply to the incoming query, using at least one of the plurality of services, wherein the reply provides state information regarding the operation of the virtual machine (column 10, lines 33-35; column 8, lines 35-39).
- 6. Regarding claim 4, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the request handler worker further includes a query parser for parsing the incoming query such that one of the plurality of services is identified for use by the operations worker to generate the reply to the incoming query (column 9, lines 58-60).
- 7. Regarding claim 5, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the request handler worker is created upon starting up the virtual machine (column 7, lines 35-38; column 9, lines 58-60).
- 8. Regarding claim 6, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the request handler worker functions as a network traffic manager for routing queries and responses (column 7, lines 35-38; column 9, lines 58-60).

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9. Regarding claim 7, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the plurality of services contains an index of available services and parameters for each service (column 9, lines 55-60).

10. Regarding claim 8, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the operation worker is a virtual machine operations thread (column 10, lines 26-30).

11. Regarding claim 9, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach a request data structure for transferring data between the request handler worker and the operations worker (column 10, lines 1-8, 26-35).

12. Regarding claim 12, Brown et al. (USPN 6,295,643) teach all the limitations as applied to claim 1. They further teach means wherein the virtual machine is a Java Virtual Machine (column 10, line 27).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (USPN 6,295,643) in view of Beadle et al. (USPN 6,433,794).

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15. Regarding claim 2, although the system disclosed by Brown et al. (USPN 6,295,643) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the request handler is an HTTP thread.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Brown et al. (USPN 6,295,643), as evidenced by Beadle et al. (USPN 6,433,794).

In an analogous art, Beadle et al. (USPN 6,433,794) discloses a system for determining the performance of a virtual machine wherein the request handler is an HTTP thread (figure 4; column 5, lines 58-61).

Given the teaching of Beadle et al. (USPN 6,433,794), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown et al. (USPN 6,295,643) by employing the use of an http thread. This benefits the system by allowing queries to be made and results to be sent to any browser regardless of platform.

16. Regarding claim 3, although the system disclosed by Brown et al. (USPN 6,295,643) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the incoming query is in http format.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Brown et al. (USPN 6,295,643), as evidenced by Beadle et al. (USPN 6,433,794).

In an analogous art, Beadle et al. (USPN 6,433,794) discloses a system for determining the performance of a virtual machine wherein the incoming query is in http format (figure 4; column 5, lines 58-61).

Given the teaching of Beadle et al. (USPN 6,433,794), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brown et al. (USPN 6,295,643) by employing the use of an http thread. This benefits the system by allowing queries to be made and results to be sent to any browser regardless of platform.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ZARNI MAUNG**  
PRIMARY EXAMINER